

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**SHIRLEY ETHRIDGE,
Individually and as Special
Administrator of the Estate of
Jerry Ethridge,**

Plaintiff,

v.

**MERCK & CO., INC., also
d/b/a MERCK, SHARP AND DOHME
and d/b/a MSD SHARP & DOHME GmbH,
G.D. SEARLE LLC, PHARMACIA
CORPORATION, MONSANTO COMPANY,
and PFIZER INC.,**

Defendants.

No. 06-CV-0909DRH

ORDER

HERNDON, District Judge:

Pending before the Court is Merck's November 9, 2006 motion to stay all proceedings (Doc. 4). Specifically, Merck moves the Court to stay this action pending its likely transfer to *In re Vioxx Products Liab. Litig.*, (MDL) No. 1657. As of this date, Plaintiff has not responded to the motion. Pursuant to **LOCAL RULE 7.1(g)**, the Court considers this failure an admission of the merits of the motion.¹ Thus, the Court **GRANTS** Merck's motion to stay (Doc. 4). The Court **STAYS** this matter pending its transfer to the MDL.

IT IS SO ORDERED.

Signed this 4th day of December, 2006.

/s/ David RHerndon
United States District Judge

¹"A party opposing such a motion shall have **ten (10) days** after service of the motion to file a written response. Failure to file a timely response to a motion may, in the court's discretion, be considered an admission of the merits of the motion." **LOCAL RULE 7.1(g)**.